

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:06 CR 125-24
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
JUAN LOZA-ARANDA,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
Defendant)	<u>REFERRAL TO U. S. PROBATION</u>
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli, regarding the change of plea hearing of Juan Loza-Aranda, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a three-count superseding indictment against Defendant Juan Loza-Aranda, for Conspiracy to Smuggle Aliens into and within the United States in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(1); Conspiracy to Commit Mail Fraud, Wire Fraud, Document Fraud and Structuring Financial Transactions in violation of Title 18, United States Code, Section 371; and Aiding and Abetting Bringing Aliens into the United States, in violation of Title 8, United States Code, Section 1324(a)(2) and Title 18, United States Code, Section 2. On April 21, 2006, a hearing was held in which Defendant

Loza-Aranda entered a plea of not guilty before Magistrate Judge William H. Baughman to counts 2, 4 and 11, of the original indictment. On January 1, 2007, Magistrate Judge Nancy A. Vecchiarelli received Defendant Loza-Aranda's plea of guilty to counts 2, 4 and 11 of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Vecchiarelli filed her R&R on January 4, 2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Loza-Aranda is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Loza -Aranda is adjudged guilty of Counts 2, 4 and 11 of the superseding indictment, in violation of Title 8 United States Code, Section 1324(a)(1)(A)(v)(I); Title 18 United States Code, Section 371; and Title 8 United States Code, Section 1324(a)(2)(B)(ii) and Title 18 United States Code, Section 2.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE